(**Adopted**: 10/05/79; **Amended**: 03/07/80; **Amended**: 09/10/82; **Amended**: 07/12/85; **Amended**: 08/01/86; **Amended**: 06/28/90; **Amended**: 05/03/91; **Amended**: 12/07/95; **Amended**: 05/10/96; **Amended: _____**)

Rule 1303
Requirements

~~(a) Best Available Control Technology:~~

(A) Best Available Control Technology

~~(1) The Executive Officer or designee shall deny the Permit to Construct for any relocation or for any new or modified source which results in an emission increase of any nonattainment air contaminant, any ozone depleting compound, or ammonia, unless Best Available Control Technology is employed for the new or relocated source or for the actual modification to an existing source.~~ *[Moved to Proposed Rule 1301(QQ) and 1303(A)(1).]*

(1) Any new Permit Unit which emits, or has the Potential to Emit, 25 pounds per day or more of any Nonattainment Air Pollutant shall be equipped with BACT. *[Health & Safety Code §40918(a)(1), Sentence 2; Moved and modified from Rule 1303(a)(1), 1304(a)(4) and 1306(d)(1). See also 1301(a) ¶2. Note: BACT threshold increased from 1 lb/day under SCAQMD BACT Guidelines.]*

~~(2) In implementing subdivision (a), the Executive Officer or designee shall periodically publish guidelines indicating the administrative procedures and requirements for commonly permitted sources. Best Available Control Technology for other source categories shall be determined on a case-by-case basis using the definition of Best Available Control Technology in Rule 1302 and the general administrative procedures and requirements of the Best Available Control Technology Guidelines.~~ *[Provision removed. Small amount of NSR activity renders this provision not cost effective. BACT analysis will be done on a case by case basis. See Proposed Rule 1301(N)(4).]*

(2) Any Modified Permit Unit which emits, or has the Potential to Emit, 25 pounds per day or more of any Nonattainment Air Pollutant shall be equipped with BACT. *[Health & Safety Code §40918(a)(1), Sentence 2; Moved and modified from 1304(a)(4) and 1306(d)(2). Note: BACT threshold increased from 1 lb/day under SCAQMD BACT Guidelines.]*

~~(3) Where the requirement of paragraph (a)(1) is applicable to a small business that is not a major polluting facility, the Executive Officer or designee shall consider cost in determining the level of Best Available Control Technology required for new or modified sources at such a facility, provided that the applicant fully substantiates his eligibility as a small business as defined in Rule 1302. Notwithstanding the preceding sentence, Best Available Control Technology for such sources shall be at least as stringent as Lowest Achievable Emission Rate as defined in the federal Clean Air Act Section 171(3) [42 U.S.C. Section 7501(3)].~~ *[Provision removed as unnecessary due to change in offset threshold. See Proposed Rule 1304(B)(1).]*

(3) Any new or Modified Facility which emits, or has the Potential to Emit, 25 tons per year or more of any Nonattainment Air Pollutant shall be equipped with BACT for each new or Modified Permit Unit. *[Health & Safety Code §40918(a)(1), Sentence 1; Moved and modified from 1306(d)(1-2). See also 1301(a) ¶2.]*

~~(4) The Best Available Control Technology requirements of this paragraph shall apply regardless of any modeling or offset exemption in Rule 1304.~~ *[Moved to Proposed Rule 1304(A)(1-2).]*

(4) For purposes of determining applicability of this Section, Potential to Emit is defined by District Rule 1301(FFF) and SERs shall not be utilized to reduce such Potential to Emit. *[See CARB Comment #10 of 3/1/00 and CARB Comment #1 of 4/11/00.]*

~~(b) The Executive Officer or designee shall, except as Rule 1304 applies, deny the Permit to Construct for any new or modified source which results in a net emission increase of any nonattainment air contaminant at a facility, unless each of the following requirements is met:~~ *[Moved to Proposed Rule 1303(B)(1).]*

(B) Offsets Required

~~(1) Modeling~~

~~The applicant substantiates with modeling, according to Appendix A or other analysis approved by the Executive Officer or designee, that the new facility or modification will not cause a significant increase in an air quality concentration as specified in Table A-2 of Appendix A.~~ *[Moved to Proposed Rule 1302(C)(2)(b).]*

(1) Any new or Modified Facility which emits or has the Potential to Emit a Regulated Air Pollutant in an amount greater than or equal to the following offset threshold amounts of Nonattainment Air Pollutants and their Precursors, as calculated pursuant to District Rule 1304(B) less any SERs as calculated and approved pursuant to District Rule 1304(C), shall obtain Offsets. *[40 CFR 51.165(a)(2) and 51.165(b)(4); Health & Safety Code §40918(a), Sentence 1; Moved from Rule 1303(b) and 1304(d)(1) and 1304(d)(2). Note: Language makes clear that SERs may be utilized to reduce potential to emit such that offsets need not be obtained. These transactions are often referred to as "net outs". SERs may also be utilized as part of a formal offset package under Proposed Rule 1305(B).]*

OFFSET THRESHOLD AMOUNTS

POLLUTANT	OFFSET THRESHOLD
Carbon Monoxide (CO)	100 tpy
Hydrogen Sulfide (H_2S)	10 tpy
Lead (Pb)	0.6 tpy
PM_{10}	15 tpy
Oxides of Nitrogen (NO_x)	25 tpy
Oxides of Sulfur (SO_x)	25 tpy
Reactive Organic Compounds (ROC)	25 tpy

[Moved and modified from Rule 1304 Table "A". Note: This is threshold is modified to correspond with the increase in the 1.3/1 offset ratio.]

~~(2) Emission Offsets~~

~~Unless exempt from offsets requirements pursuant to Rule 1304, emission increases shall be offset by either Emission Reduction Credits approved pursuant to Rule 1309, or by allocations from the Priority Reserve in accordance with the provisions of Rule 1309.1. Offset ratios shall be 1.2-to-1.0 for Emission Reduction Credits and 1.0-to-1.0 for allocations from the Priority Reserve, except for facilities located in the Southeast Desert Air Basin, where the offset ratio for Emission Reduction Credits only shall be 1.2-to-1.0 for VOC, NO_x, SO_x and PM_{10} and 1.0-to-1.0 for CO.~~ *[Moved to Proposed Rule 1305(B)(1)(A) and 1305(C)(1) Table. Provisions regarding non SEDAB areas removed. AVAPCD is*

located wholly within the Mojave Desert Air Basin (formerly SEDAB).]

(2) Any Facility which is not a Major Facility but where the Modification is in itself a Major Modification shall obtain Offsets. *[Note: This can not occur within the AVAPCD because "Significant" levels for determining "Major Modification" are greater than the "Major Facility" threshold.]*

~~(3) Sensitive Zone Requirements~~

~~Unless credits are obtained from the Priority Reserve, facilities located in the South Coast Air Basin are subject to the Sensitive Zone requirements specified in Health and Safety Code Section 40410.5. A facility in zone 1 may obtain Emission Reduction Credits originated in zone 1 only, and a facility in zone 2A may obtain Emission Reduction Credits from either zone 1 or zone 2A, or both, or demonstrate to the Executive Officer or designee a net air quality benefit in the area impacted by the emissions from the subject facility.~~ *[Provision removed. AVAPCD wholly within the Mojave Desert Air Basin (formerly SEDAB) and contains no "Sensitive Zones" as defined.]*

(3) Any Facility which becomes a Major Facility due to a relaxation of a Federally Enforceable requirement shall obtain Offsets.

~~(4) Facility Compliance~~

~~The subject facility complies with all applicable rules and regulations of the District~~ *[Moved to Proposed Rule 1302(D)(5)(b)(vi).]*

(4) Any Facility which has accumulated emissions increases in excess of the offset threshold set forth in subsection (B)(1) above shall offset the total emission increase during such period to zero. *[Moved and modified from Rule 1304(c)(5). Note: Date changed to reflect creation date of the AVAPCD. Modified to conform to provisions of proposed section (C).]*

~~(5) Major Polluting Facilities~~

~~In addition to the above requirements, any new major polluting facility or major modification at an existing major polluting facility shall comply with the following requirements:~~ *[Moved to Proposed Rule 1302(B)(1)(a).]*

~~(A) Alternative Analysis~~

~~Conduct an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source and demonstrate that the benefits of the proposed project outweigh the environmental and social costs associated with that project.~~ *[Moved to Proposed Rule 1302(B)(1)(a)(iii)a.]*

(B) Statewide Compliance

Demonstrate prior to the issuance of a Permit to Construct, that all major stationary sources, as defined in the jurisdiction where the facilities are located, that are owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the State of California are subject to emission limitations and are in compliance or on a schedule for compliance with all applicable emission limitations and standards under the Clean Air Act. *[Moved to Proposed Rule 1302(B)(1)(a)(iii)a.]*

(C) Protection of Visibility

(i) Conduct a modeling analysis for plume visibility in accordance with the procedures specified in Appendix B if the net emission increase from the new or modified source exceeds 15 tons/year of PM_{10} or 40 tons/year of NO_x; and the location of the source, relative to the closest boundary of a specified Federal Class I area, is within the distance specified in Table C-1. *[Moved to Proposed Rule 1302(B)(1)(a)(iv)a.]*

Table C-1

Federal Class I Area	*Distance (km)*
Agua Tibia	28
Cucamonga	28
Joshua Tree	29
San Gabriel	29
San Gorgonio	32
San Jacinto	28

(ii) In relation to a permit application subject to the modeling analysis required by clause (b)(5)(C)(i), the Executive Officer shall: *[Moved to Proposed Rule 1302(B)(1)(a)(iv)a.]*

(I) deem a permit application complete only when the applicant has complied with the requisite modeling analysis for plume visibility pursuant to clause (b)(5)(C)(i); *[Moved to Proposed Rule 1302(B)(1)(a)(iv)a.]*

(II) notify and provide a copy of the complete permit application file to the applicable Federal Land Manager(s) within 30 calendar days after the application has been deemed complete and at least 60 days prior to final action on the permit application; *[Moved to Proposed Rule 1302(B)(1)(a)(iv)a.]*

(III) consider written comments, relative to visibility impacts from the new or modified source, from the responsible Federal Land Manager(s), including any regional haze modeling performed by the Federal Land Manager(s), received within 30 days of the date of notification, when determining the terms and conditions of the permit; *[Moved to Proposed Rule 1302(B)(1)(a)(iv)a.]*

(IV) consider the Federal Land Manager(s) findings with respect to the geographic extent, intensity, duration, frequency and time of any identified visibility impairment of an affected Federal Class I area, including how these factors correlate with times of visitor use of the Federal Class I area, and the frequency and timing of natural conditions that reduce visibility; and, *[Moved to Proposed Rule 1302(B)(1)(a)(iv)a.]*

(V) explain its decision or give notice as to where to obtain this explanation if the Executive Officer finds that the Federal Land Manager(s) analysis does not demonstrate that a new or modified source may have an adverse impact on visibility in an affected Federal Class I area. *[Moved to Proposed Rule 1302(B)(1)(a)(iv)a.]*

(iii) If a project has an adverse impact on visibility in an affected Federal Class I area, the Executive Officer may consider the cost of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, the useful life of the source, and all other relevant factors in determining whether to issue or deny the Permit to Construct or Permit to Operate. *[Moved to Proposed Rule 1302(B)(1)(a)(iv)a.]*

[Note: Specific analysis formerly required by Rule 1303(b)(5)(C) above now required by cross reference in Proposed Rule 1302(B)(1)(a)(iv)a.]

(D) Compliance Through California Environmental Quality Act - The requirements of subparagraph (b)(5)(A) may be met through compliance with the California Environmental Quality Act in the following manner: *[Moved to Proposed Rule 1302(B)(1)(a)(iii)b.]*

(i) if the proposed project is exempt from California Environmental Quality Act analysis pursuant to a statutory or categorical exemption pursuant to Title 14, California Code of Regulations Sections 15260 to 15329, subparagraph (b)(5)(A) shall not apply to that project; *[Moved to Proposed Rule 1302(B)(1)(a)(iii)b.]*

~~(ii) if the proposed project qualifies for a negative declaration pursuant to Title 14 California Code of Regulations Section 15070, or for a mitigated negative declaration as defined in Public Resources Code Section 21064.5; subparagraph (b)(5)(A) shall not apply to that project, or~~ *[Moved to Proposed Rule 1302(B)(1)(a)(iii)b.]*

~~(iii) the proposed project has been analyzed by an environmental impact report pursuant to Public Resources Code Section 21002.1 and Title 14 California Code of Regulations Section 15080 et seq., subparagraph (b)(5)(A) shall be deemed to be satisfied.~~ *[Moved to Proposed Rule 1302(B)(1)(a)(iii)b.]*

(5) The amount, type, and eligibility of such offsets shall be determined pursuant to the provisions of District Rules 1304 and 1305. *[Moved and modified from Rule 1304(d)(4).]*

APPENDIX A

The following sets forth the procedure for complying with the air quality modeling requirements of Rule 1303(b). An applicant must either (1) provide an analysis, approved by the Executive Officer or designee, or (2) show by using the Screening Analysis below, that a significant increase in air quality concentration will not occur. Modeling for VOC and SO_x is not required.

Table A-1 of the screening analysis is subject to change by the Executive Officer or designee, based on improved modeling data.

SCREENING ANALYSIS

Compare the emissions from the source you are applying for to those in Table A-1. If the emissions are less than the allowable emissions, no further analysis is required. If the emissions are greater than the allowable emissions, a more detailed air quality modeling analysis is required.

Table A-1
Allowable Emissions
for Noncombustion Sources and for
Combustion Sources less than or equal to 40 Million BTUs per hour

Heat Input Capacity (million BTUs/hr)	NOx (lbs/hr)	CO (lbs/hr)	PM10 (lbs/hr)
Noncombustion Source	0.068	3.7	0.41
<2	0.20	11.0	1.2
>2 <5	0.31	17.1	1.9
>5 <10	0.47	25.9	2.8
>10 <20	0.86	47.3	5.2
>20 <30	1.26	69.3	7.6
>30 <40	1.31	72.1	7.9

TABLE A-2
Most Stringent Ambient Air Quality Standard and
Allowable Change in Concentration
For Each Air Contaminant/Averaging Time Combination

Air Contaminant	Averaging Time	Most Stringent Air Quality Standard		Significant Change in Air Quality Concentration	
Nitrogen Dioxide	1-hour	25 pphm	500ug/m3	1 pphm	20 ug/m3
	Annual	5.3 pphm	100 ug/m3	0.05 pphm	1 ug/m3
Carbon Monoxide	1-hour	20 ppm	23 mg/m3	1 ppm	1.1 mg/m3
	8-hour	9.0 ppm	10 mg/m3	0.45 ppm	0.50 mg/m3
Suspended Particulate Matter - <10um (PM_{10})	24-hour	50 ug/m3		2.5 ug/m3	
	Annual Geometric Mean	30 ug/m3		1 ug/m3	
Sulfate	24-hour	25 ug/m3		1 ug/m3	

[Note: Appendix "A" removed. Provisions not cost effective due to small amount of NSR activity. Modeling protocol to be approved on a case-by-case basis utilizing CARB and USEPA methodologies. See Proposed Rule 1302(C)(2)(b).]

[Map of sensitive zones excluded from iterated version and removed from rule. The AVAPCD consists of a single zone on the original map.]

APPENDIX B
MODELING ANALYSIS FOR VISIBILITY

(a) The modeling analysis performed by the applicant shall consider:
- (1) the net emission increase from the new or modified source; and
- (2) the location of the source and its distance to the closest boundary of specified Federal Class I area(s).

(b) Level 1 and 2 screening analysis for adverse plume impact pursuant to subparagraph (b)(5)(C) of this rule for modeling analysis of plume visibility shall consider the following applicable screening background visual ranges

Federal Class I Area	Screening Background Visual Range (km)
Agua Tibia	171
Cucamonga	171
Joshua Tree	180
San Gabriel	175
San Gorgonio	192
San Jacinto	171

For level 1 and 2 screening analysis, no adverse plume impact on visibility results when the total color contrast value (Delta-E) is 2.0 or less and the plume contrast value (C) is 0.05 or less. If these values are exceeded, the Executive Officer shall require additional modeling. For level 3 analysis the appropriate background visual range, in consultation with the Executive Officer, shall be used. The Executive Officer may determine that there is no adverse visibility impact based on substantial evidence provided by the project applicant.

(c) When more detailed modeling is required to determine the project's visibility impact or when an air quality model specified in the Guidelines below is deemed inappropriate by the Executive Officer for a specific source-receptor application, the model may be modified or another model substituted with prior written approval by the Executive Officer, in consultation with the federal Environmental Protection Agency and the Federal Land Managers

(d) The modeling analysis for plume visibility required pursuant to subparagraph (b)(5)(C) of this rule shall comply with the most recent version of:
- (1) "Guideline on Air Quality Model (Revised)" (1986), supplement A (1987), supplement B (1993) and supplement C (1994), EPA-450/2-78-027R, US EPA, Office of Air Quality Planning and Standards Research Triangle Park, NC 27711; and

~~(2) "Workbook for Plume Visual Impact Screening and Analysis (Revised)," EPA-454-/R-92-023, US EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711;~~

~~(3) "User's Manual for the Plume Visibility Model (PLUVUE II) (Revised)," EPA-454/B-92-008, US EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711 (for Level-3 Visibility Analysis)~~

[Note: Appendix "B" removed. Analysis provided by cross reference to applicable provisions of Federal Regulations. See Proposed Rule 1302(B)(a)(iv)a.]

[SIP: Submitted as amended _____ on _____; Approved 2/4/96, 61 FR 64291, 40 CFR 52.220(c)(240)(i)(A)(1); Conditionally Approved 6/9/82, 47 FR 25013, 40 CFR 52.220(c)(87)(v)(A); Conditionally Approved 1/21/81, 46 FR 5965, 40 CFR 52.220(c)(68)(i)]